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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,248	12/04/2003	Paul Dicarlo	01194-824001	7802
26161 7590 11/18/2008 FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022				
EXAMINER TOWA, REINE T				
ART UNIT 3736		PAPER NUMBER		
NOTIFICATION DATE 11/18/2008		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10728248	12/4/2003	DICARLO ET AL.	01194-824001

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P.O. BOX 1022  
MINNEAPOLIS, MN 55440-1022

**EXAMINER**

RENE TOWA

ART UNIT	PAPER
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3736	20081028
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DATE MAILED:

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**Commissioner for Patents**

Upon reconsideration of the Applicant's arguments after filing of an Appeal Brief, the last Office action dated February 25, 2008 is hereby vacated. A new Office Action treating the claims on the merit shall be established.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RENE TOWA whose telephone number is (571)272-8758. The examiner can normally be reached on M-F, 8:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max Hindenburg can be reached on (571) 272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/R. T./  
Examiner, Art Unit 3736

/Max Hindenburg/  
Supervisory Patent Examiner, Art Unit 3736